
**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

BMF ADVANCE

Plaintiff,

v.

**LITISCAPE, an Arizona limited liability
company, et. al.,**

Defendants.

**AMENDED REPORT &
RECOMMENDATION¹**

Case No.: 2:21-cv-00103

District Court Judge David Barlow

Magistrate Judge Dustin B. Pead

A Scheduling Conference was held before Magistrate Judge Dustin B. Pead on March 27, 2025.² Attorney Taylor Jaussi was in attendance on behalf of Plaintiff BMF Advance and attorney Christoffer Binning was in attendance on behalf of Defendants Joseph H. and Joseph Azulay. Shortly before the hearing began, the court received an e-mail from Defendant Michael Kamalu indicating he would not be in attendance.³ Based on discussions with counsel and information obtained at the hearing, the court RECOMMENDS the following to the District Court:

1. Lifting the bankruptcy stay as to Mr. Michael Kamalu. In his e-mail Mr. Kamalu indicates he intends to re-file his Chapter 13 bankruptcy. Until such time, however, the

¹ The Report and Recommendation has been amended to include the fourteen (14) day objection period.

² ECF No. 139, Notice of Scheduling Hearing; ECF No. 142, Minute Entry.

³ ECF No. 145, E-mail Correspondence from Michael Kamalu.

stay as to Mr. Kamalu should be lifted;

2. Based on the bankruptcy court's discharge, grant Plaintiff's Motion to Dismiss Defendant EN Corp. Given the bankruptcy court's discharge, Joseph H. and Joseph Azulay's counterclaims against EN Corp will not proceed; and
3. Based on issuance of the default certificate (ECF No. 134), Plaintiff will file a Motion for Default Judgment against Litiscape. At such time Litiscape's counterclaims against Defendants Joseph H., Joseph Azulay and EN Corp may be dismissed.
4. The Clerk's Office is DIRECTED to send copies of this Report and Recommendation to all parties who are hereby notified of their right to object.⁴ The parties must file any objection to this Report and Recommendation within fourteen (14) days of service. Failure to object may constitute waiver of the objections upon subsequent review.

DATED: April 1, 2025.

BY THE COURT



Dustin B. Peard
Chief U.S. Magistrate Judge

⁴ See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

